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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,770	08/24/2001	Donald Gross	GRO-12525	2923

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EXAMINER

BASTIANELLI, JOHN

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/938,770

Applicant(s)

GROSS, DONALD

Examiner

John Bastianelli

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wafer et al. US 5,404,615 in view of Thompson US 4,103,868.

Wafer discloses a valve assembly (col. 2, lines 61-66) comprising a valve body having a rotary valve member (Abstract) and a valve stem, a valve handle 10 connected to the valve stem 14 having a proximal end 16 and a distal end 18 with a longitudinal axis extending between the ends, the distal end having an opening 26 that is adapted to receive a drive head 16 of a ratchet handle 100 (Figs. 6-7). The method is seen as practiced by the apparatus. Wafer lacks the valve handle connected to the valve stem at a proximal end of the handle. Thompson discloses a handle, which is connected at a proximal end (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the valve handle of Wafer connected to the valve stem at a proximal end as disclosed by Thompson in order to provide more torque to the valve as the distance of the lever arm would be greater.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wafer et al. US 5,404,615 in view of Thompson US 4,103,868 as applied to claims 1 and 4-5 above, and further in view of McMurtrey US 5,878,627.



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Wafer lacks the opening at the distal end being generally square or hexagonal. McMurtrey discloses a square opening 42 and a hexagonal opening 81. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the opening of Wafer generally square or hexagonal as disclosed by McMurtrey in order to accommodate different shaped ratchet handles and to transmit force better as the connection would impart force better with the mating sides of the square or hexagon between the handle and handle extension.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stinnett, Olson, Bergman, Pella, Landwehr, White, Morris, and Spurgeon disclose openings in a handle for receiving a ratchet handle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058.

The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry C. Yuen can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7765 for regular communications and (703) 308-7765 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0975.

*John Bostrom*  
*Patent Examiner AV3754*  
*John Bostrom*

JB

September 30, 2002